

REMARKS

This Amendment is responsive to the Final Office Action dated April 7, 2006. All rejections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

Applicants wish to express their sincere appreciation for the Examiner's time and effort in discussing a draft of the present response with the undersigned Attorney by telephone on May 31, 2006. Applicants understand that no agreement was reached as to the allowability of the present independent claims, while gratefully acknowledging the Examiner's suggestion that dependent claim 7, if re-written in independent form, appears to include allowable subject matter. Nevertheless, even in view of that helpful discussion and the Examiner's kind suggestion, Applicants continue to respectfully believe that the arguments presented herein are sound with regard to all the currently pending claims. In that light, Applicants now officially present the arguments herein for full consideration by the Examiner, in the respectful expectation that their substance calls for allowance of all currently pending claims.

At paragraphs 2-18 of the Office Action, the Examiner rejected claims 1-44 under a new ground(s) of rejection, now asserting that claims 1-44 are obvious under 35 U.S.C. 103, citing United States Patent number 6,009,274 of Fletcher et al. ("Fletcher et al.") in view of United States Patent number 6,771,290 of Hoyle ("Hoyle"). Applicants respectfully traverse this rejection.

Fletcher et al. disclose a system for automatically updating software components in end systems ("agents") over a network. A server ("ASU") in Fletcher et al. generates a request identifying the newest available versions of software components that may be installed on the

agents. The Fletcher et al. agents compare the installed versions of components with the newest versions, and respond to the server request by indicating those components that need to be updated. The ASU transmits the requested components to the requesting agents, and components are updated without rebooting system software. Thus Fletcher et al. describes a system in which software components are updated over a network from a server to an end system based on a determination of whether the newest version of the components on server is more current than installed versions on the end systems. See Abstract.

Hoyle discloses a system for providing an automatically upgradeable software application including targeted advertising based upon demographics and user interaction with a computer. The Hoyle software application generates a display region used for banner advertising that is downloaded over a network from a server. Demographic information regarding the user is acquired by the server and used in the Hoyle system for determining what advertising will be sent to the user. The Hoyle software application also accesses the server to determine if one or more components of the application need upgrading. If a newer version of a component is available, then a component is determined to need upgrading. See Abstract and column 28, lines 11-16. Thus, like Fletcher et al., Hoyle describes a system in which software components are updated over a network from a server to an end system based on a determination of whether the newest version of the components on server is more current than installed versions on the end systems.

Nowhere in the combination of Fletcher et al. and Hoyle is there disclosed or suggested any method or system for performing a service on a network device, that includes:

...

checking the service relationships of the loaded service against a stored service registry, wherein the service registry includes indications of services and indications of dependencies of services on other services, and *wherein the checking the service*

relationships of the loaded service includes determining whether all other services the loaded service depends on are available; and

causing the service to be executed on the network device ***only if all other services the loaded service depends on are determined to be available.***

as in the present independent claim 1. Independent claims 18, 35, 43 and 44 include analogous limitations. As noted above, both Fletcher et al. and Hoyle teach updating components from a server based on software component version. However, neither Fletcher et al. nor Hoyle suggest even the desirability of checking service relationships of an updated component with other components on the end system, as in the present independent claims 18, 35, 43 and 44. Instead, the ability of an updated software component to ultimately operate correctly in Fletcher et al. and Hoyle is based on having all of the newest versions of all components on the end systems. Fletcher et al. and Hoyle are silent with regard to checking component inter-dependencies in the context of upgrading a software component.

The above described deficiencies are not addressed in the specific sections of the references cited by the Examiner. In column 12 of Fletcher et al., beginning at line 58, newly received update components are stored in update directories. The update components of Fletcher et al. are stored in these update directories since the components being updated may be in use. In column 13 of Fletcher et al., in lines 1-35, updates to a registry are performed to point to the new versions of the components, after all new versions are received. When the system is rebooted, then the new versions are picket up by the Fletcher et al. system. Beginning at line 65 of column 11, through line 24 of column 12, Hoyle discloses downloading of demographic information to client computers to provide targeted advertising. In column 29, lines 26-65, Hoyle describes how the timing of banner advertisements can be determined, how banner ads can

be selected, and how a sequence of ads can be determined. These cited sections include no hint or suggestion of even the desirability of checking service relationships between components when a component is being updated, as is performed in the present independent claims 18, 35, 43 and 44.

For the above reasons, Applicants respectfully urge that the combination Fletcher et al. and Hoyle does not disclose or suggest all the features of the present independent claims 1, 18, 35 and 44. Accordingly, the combination of Fletcher et al. and Hoyle does not form a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to the present independent claims 1, 18, 35 and 44. Accordingly, the present independent claims 1, 18, 35 and 44 are respectfully believed to be patentable over the combination of Fletcher et al. and Hoyle. As to claims 2-4, 6-14 and 19-42, they each depend from claims 1, 18 and 35, and are believed to be patentable over the combination of Fletcher et al. and Hoyle for at least the same reasons.

Reconsideration of all pending claims is respectfully requested.

In view of the above, Applicants respectfully request that all rejections of the Examiner be withdrawn. All claims are believed to be allowable, and the application is believed to be in condition for allowance. Favorable action is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

June 5, 2006
Date

/David Dagg/
David A. Dagg, Reg. No. 37,809
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(617) 630-1131

Docket No. 0270157 120-077